



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

OCT 18 2017

Mr. Daniel Greene
General Counsel
New York State Governor's Office of Storm Recovery
25 Beaver Street, 5th Floor
New York, NY 10004

Dear Mr. Greene:

The U.S. Environmental Protection Agency has reviewed the Hempstead Lake State Park Draft Environmental Assessment (DEA). This project is part of the Living with the Bay Project and Resiliency Strategy (LWTB) for Nassau County, New York. The LWTB project was awarded \$125 million by the U.S. Department of Housing and Urban Development (HUD) through the Rebuild by Design program. As such, the document was prepared by the State of New York, Governor's Office of Storm Recovery (GOSR), serving under the auspices of New York State Homes and Community Renewal's Housing Trust Fund Corporation, and acting under HUD-delegated authority.

The purpose of the LWTB project is to provide a comprehensive suite of potential projects intended to provide long-term resilience and climate change adaptation for Nassau County communities in the Mill River Watershed. The LWTB project includes six general project areas. This DEA evaluated the Hempstead Lake State Park project component. The Hempstead Lake State Park project would improve the 521-acre state park located in the northern portion of the LWTB project area. The project would improve the Park's existing water management infrastructure and provide new educational and recreational amenities.

Based on the review of the information provided in the DEA and its appendices, EPA noted that there were elements missing from the DEA, some of which will be required for the issuance of a 404 permit. Specifically, a Monitoring Plan, Maintenance Plan, Invasive Plant Species Removal Plan, and a Planting Plan should be included. These plans should adhere to the requirements set forth by the U.S. Army Corps of Engineers. EPA recommends that the details of these plans be included in the Final EA, as they help demonstrate how project elements will be monitored for success and maintained over time, and how project impacts will be mitigated. This will help support a finding of no significant impact.

It was unclear from the EA if funds have been designated for long-term management and maintenance of the park. Page 18 the EA points out that floatables are a major problem and therefore the project includes the addition of floatable catchers and sediment basins. There is no discussion, however, of maintenance responsibilities or frequency of catchment and basin cleaning over the life of the project. Without such maintenance, the systems will not function properly. EPA recommends that the Final EA identify who will maintain these systems, how often they will be cleaned, and how the work will be funded.

Other areas which should be addressed in the Final EA are the structural and soil components. This includes discussions of the grading plan, berms, purpose of sediment basins, and shore-bank stabilization. The grading plan should show all constructed structures such as forebays (including technical construction plans) and a soil map to demonstrate that the grading plan is appropriate to successfully support the Planting Plan. Please also identify the 404 (b) (1) alternatives analysis for these berms. Additionally, the sediment basins may not be the most effective alternative for nutrient removal and reducing bacterial count to improve the water quality and they will also require future maintenance dredging. EPA recommends evaluating alternatives, such as reed beds, for nutrient removal and bacterial count which might be more effective and efficient. Lastly, the technical construction plans for the shore-bank stabilization should be completed and included in the Final EA.

In light of GOSR's decision to complete a series of EAs for the LWTB project as opposed to a single comprehensive document, EPA encourages that the cumulative impacts of future LWTB projects be evaluated with specific consideration given to areas of impacts from past as well as future projects. While EPA recognizes that the complete details of future LWTB projects are not yet available, we encourage GOSR to integrate additional information about future projects into subsequent EAs to the greatest extent possible. This will help ensure a thorough evaluation of the cumulative impacts of the full LWTB project. If each project were to impact the same resources, the final project in the series may be contributing to a significant impact. To avoid this, either the cumulative impacts analysis needs to be more comprehensive or additional effort should be made for each individual project to avoid and minimize its impacts.

Finally, EPA encourages GOSR to consider Leadership in Energy and Environmental Design (LEED) certification for the environmental center. Alternatively, if LEED certification is not an option, EPA encourages GOSR to maximize sustainability in all elements of the building's design including material sourcing, energy and water efficiency, low impact development, recycling and composting. EPA has expertise in these areas and is happy to provide assistance to GOSR.

Thank you for the opportunity to comment on the Hempstead Lake State Park Draft Environmental Assessment. Our comments on the DEA contained in this letter are intended to help GOSR by providing useful information that will ultimately inform local, state and federal decision-making and review related to land use and impacts. Should you have any questions regarding the comments and concerns detailed in this letter, please feel free to contact Stephanie Lamster of my staff at 212-637-3465.

Sincerely,

A handwritten signature in black ink, appearing to read "Grace Musumeci", with a long horizontal flourish extending to the right.

Grace Musumeci, Chief
Environmental Review Section

bcc: Michele Fafette, CWD-WMB-WPS

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